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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,750

10/20/2003

Yong-Suk Kim

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EXAMINER

ALAM, FAYYAZ

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/687,750	Applicant(s) KIM, YONG SUK	
	Examiner Fayyaz Alam	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the pad of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 6/25/2007 have been fully considered but they are not persuasive.

Applicant generally argues on pages 1 - 4 that Davies fails to disclose connectionless broadcast without a request for a connection setup and that the inquiry message used by Davies indicates "connection setup".

Examiner respectfully disagrees. Davies invention as disclosed does not require a connection setup for broadcast information. Davies makes use of two modes of communication, namely push and pull modes (see [0036]), where push mode can be implemented by itself without necessarily using the pull mode in tandem. The push as defined by Davies in which the beacons or base stations (12 & 14) (read as wireless communication device) can broadcast information with the inquiry message to the portable terminals (10) (read as external devices) (see [0036]). The pull mode need not be implemented unless the portable terminal (read as wireless device) wishes to join the piconet and transmit information back to the beacon or base station (read as wireless communication device) (see [0038; 0041; 0052]). Davies discloses in [0038], when a user wishes to obtain more information, a 'pull' mode allows a user to set up a connection, and therefore in 'push' mode a connection is not setup. Davies also discloses in [0052] that CA handsets can receive the broadcast data quickly without being required to run through a lengthy procedure to join a piconet and in addition, there is no need for the handsets to transmit any information (read as connectionless broadcast). In addition, broadcasting an inquiry message is not a "connection setup" or a "request for a connection setup" as claimed in the independent claims 1, 9, and 17. An inquiry message in the Bluetooth protocol is a device discovery message, where the inquiry messages are broadcasted several times by the master device or a base station (see [0045]), and in response to the inquiry message, the slave device makes or sends a connection request if it desires to join a given piconet. Applicant themselves acknowledge in their response on pg. 3 that Davies discloses "... An inquiry allows a would-be slave to find a base station and issue a request to join the piconet". A so called "would-be slave" would not have established a connection with the base station until the "would-be slave" responds to the inquiry or page message. Therefore, a connection setup message is issued by the slave device, since it wants to join the piconet or connect to the master device, and thus an inquiry message from the master device or the base station is not a connection setup message or request for a connection setup, it is only a device discovery message (see [0043]). The examiner is not arguing that there is not a connection setup at all but asserting that broadcast data or information by the base station is sent with the inquiry message which is not a connection setup or request for connection setup.

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571-270-1102

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